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6 DAVID BREIN, and Third-Party Defendants,  
7 FRANKE FOWLER, FRANKE FOWLER  
DESIGN STUDIO, and RENEE HURWITZ

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12 Attorney for Defendants and Cross-Claimants,  
FSHP BUILDERS, LLC and BRENDAN J. HANCOCK

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 DAVID BREIN, an individual, ) CASE NO. 2:22-cv-01475-CDS-EJY

16 v. )  
17 Plaintiff, ) **STIPULATION AND ORDER**  
18 ) **TO EXTEND TIME UNDER FRCP 6(b)(1)**  
19 ) **TO RESPOND TO COUNTERCLAIM**

20 FSHP BUILDERS, LLC, a Nevada Limited )  
21 Liability Company; BRENDAN J. )  
22 HANCOCK, an individual; S.D.Q., a Nevada )  
corporation doing business as PACIFIC )  
SHOWCASE; MAK COMMERCIAL )  
23 GLAZING LLC, a Nevada limited liability )  
company; OMAR PRIETO, an individual; )  
and DOES 1-20, Inclusive. )

24 )  
25 Defendants. )  
26 \_\_\_\_\_ )  
27 FSHP BUILDERS, LLC, a Nevada Limited )  
28 Liability Company, and BRENDAN J. )  
HANCOCK, an individual, )

Counterclaimants,  
vs.  
DAVID BREIN, an individual,  
Counterdefendant.

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FSHP BUILDERS, LLC, a Nevada Limited  
Liability Company, and BRENDAN J.  
HANCOCK, an individual,  
Third-Party Plaintiffs,  
vs.  
FRANKE FOWLER, an individual,  
FRANKE FOWLER, AN INTERIOR  
DESIGN STUDIO, a California business  
entity; RENEE HURWITZ, an individual,  
and DOES1-20, Inclusive,  
Third-Party Defendants.

The PARTIES hereby submit the following STIPULATION and ORDER extending the time for Cross-Defendant DAVID BREIN to respond to the Counterclaim under *Federal Rule of Civil Procedure* (“FRCP”) 6(b)(1) as follows:

## RECITALS

WHEREAS, the Answer and Counterclaim was served on November 2, 2022;

WHEREAS, under *FRCP* 12(a)(1)(B), Plaintiff and Counter-Defendant DAVID BREIN's response to the Counterclaim would be due on November 23, 2022;

WHEREAS, after discussion between counsel for the Parties, counsel for Defendant and Counterclaimants FSHP Builders, LLC and Brendan Hancock, Brian K. Berman (“Defendants’ Counsel”) indicated that he would file an Amended Answer, Counterclaim and Third Party Complaint forthwith;

1 WHEREAS, in light of Defendants' Counsel's representation as set forth above, the Parties  
2 agreed to permit Defendants' Counsel additional time to file said Amended Pleadings and  
3 extend the time for Plaintiff and Cross-Defendant to respond to the instant Counterclaim;

4 **STIPULATION**

5 The PARTIES and their counsel of record hereby STIPULATE to the following:

6 1. Defendants and Counterclaimants FSHP Builders, LLC and Brendan Hancock shall  
7 have an additional fifteen (15) days to file their Amended Pleadings, up to and  
8 including December 8, 2022;

9 2. Counter-Defendant David Brein shall have an additional twenty-one (21) days, up to  
10 and including December 14, 2022, to file responsive pleadings to the current  
11 Counterclaim on file with the Court if Defendants do not amend their Answer  
12 and/or Counterclaim;

13 3. If Counterclaimant(s) file Amended Pleadings, Counter-Defendant David Brein  
14 shall have the time prescribed by *FRCP 12(a)(1)(B)* to respond to the Amended  
15 Counterclaim.

16 /Jonathan Gabriel/  
17 By: Jonathan G. Gabriel, Esq.  
18 Attorneys for Plaintiff and Counter-Defendant  
19 David Brein

20 /Brian K. Berman/  
21 By: Brian K. Berman, Esq.  
22 Attorneys for Defendant and Counterclaimants  
23 FSHP Builders, LLC and Brendan Hancock

24 **IT IS SO ORDERED:**

25   
26 Layna J. Zanchak  
27 UNITED STATES MAGISTRATE JUDGE

28 DATED: November 28, 2022